



A REGULAR MEETING OF THE WESLACO CITY COMMISSION

On this 19th day of July 2011 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Olga M. Noriega
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; Oscar Garcia, Public Facilities Director; Griselda Martinez, Interim Human Resources Director; Police Chief Juan Sifuentes; Fire Marshal Jimmy Cuellar; Jorge Gonzalez, Planning & Code Enforcement; George Garrett, Airport Director; and several other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, July 15, 2011.

B. Mayoral Proclamations and Recognitions.

The Mayor recognized Ms. Martha Noell with a proclamation recognizing recent state-wide Onion Fest and Chamber Executive awards and Fire Cadet Justin Mora for his Tony Abrego Achievement Award. State Sen. Eddie Lucio, Jr. presented a Texas Senate Resolution in memory of Emma Reyna Fuentes.

The City Manager thanked Mr. Bert Garcia, president of the RGV Vipers, for being good corporate citizens, specifically for their support of the Library's Winter and Summer Reading Programs and enrollment incentives for the Boys & Girls Club.

C. Invocation.

Reverend Gary Ansell of First Christian Church gave the invocation.

D. Pledge of Allegiance.

Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

E. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioners Garza and Tafolla.

II. STATUS REPORTS

- A. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.

Mr. Gonzalez announced Alfresco Weslaco, an Art and Jazz Festival planned July 21 on Texas Blvd. and noted the strength of Woodcrafters, a national manufacturer which is the largest local private employer. AISLA Coat, a Monterrey sealant and paint manufacturer is finalizing its facility in Weslaco and the Weslaco Campus of IDEA Academy opens in August. The EDC is making a 50% grant available to help bring Texas Blvd. properties up to code. Sales tax revenue is \$350,000 ahead of last year.

- B. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Noell announced that the Chamber is moving temporarily into the former Laredo National Bank building and placing directional signage to route visitors. The Chamber continues to promote the airport and customs facility as well as nature destinations at the British Festival, the largest bird fair in the world.

- C. Benita Valadez, administrator of Medical Financial Services, on Emergency Medical Services (EMS) collections.

Ms. Valadez reported that June 2011 averaged 13 calls per day for all three fire/EMS stations combined, of which nine resulted in transports. The collection rate continues to increase, however recent federal government delays affected collections. The fee rate averages 16%.

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Regular Meeting of July 5, 2011. Attachment.
- B. Approval on Second Reading of Ordinance 2011-17 to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone Lots 1-31 Prada Estates, Hidalgo County, Texas, located on Mile 8 North and Mile 2 ½ West, from “R-2 Duplex and Apartment District” to “M-1 Mobile Home Subdivision District.” Attachment.
- C. Approval on Second Reading of Ordinance 2011-16 establishing a policy and committee for the naming of public facilities and transportation improvements. Attachment.
- D. Approval of the E9-1-1 Public Safety Answering Point Services Interlocal Agreement with the Lower Rio Grande Valley Development Council to continue providing the City of Weslaco the necessary service and equipment to answer emergency calls and authorize the Mayor to execute any related documents. Attachment.

- E. Approval of the Weslaco Housing Authority Agency Plan for Fiscal Year beginning October 2011 and authorize the Mayor to execute any related documents. Attachment.
- F. Approval of the request from the University of Texas – Pan American to place a banner across South Texas Boulevard September 16 – October 3, 2011 to promote Hispanic Engineering Science and Technology (HESTEC) Week. Attachment.
- G. Approval of request by Christina Escobar to organize a 5K Fun Run on Saturday, September 17, 2011 6:00–8:30 p.m. at Harlon Block Sports Complex to benefit the Leukemia and Lymphoma Society, authorize street closures as appropriate, and waive all fees associated. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Ordinances read as follows:

ORDINANCE NO. 2011-17

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF LOTS 1 THROUGH 31 PRADA ESTATES, WESLACO, TEXAS, LOCATED ON MILE 8 NORTH AND MILE 2 ½ WEST, HIDALGO COUNTY, TEXAS, FROM “R-2 DUPLEX AND APARTMENT DISTRICT” TO “M-1 MOBILE HOME SUBDIVISION DISTRICT.”

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: Rezone from “R-2 Duplex and Apartment District” to “M-1 Mobile Home Subdivision District” of Lots 1 through 31 Prada Estates, Hidalgo County, Texas, located on Mile 8 North and Mile 2 ½ West, Weslaco, Texas.

SECTION II: That this ordinance shall become effective upon its passage. PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 5th day of July, 2011.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 19th day of July, 2011.

ORDINANCE 2011 - 16

AN ORDINANCE ESTABLISHING A PROCESS AND CRITERIA FOR NAMING PUBLIC FACILITIES, TRANSPORTATION IMPROVEMENTS AND OTHER FACILITIES; ESTABLISHING A PUBLIC FACILITIES AND TRANSPORTATION IMPROVEMENTS NAMING COMMITTEE AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY OF WESLACO BY OFFICIAL ACTION OF THE WESLACO CITY COMMISSION THAT:

Section I

Ordinance 2011-16, which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy,” establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee, which shall after second and final reading read as follows in The City of Weslaco Code of

Ordinances:

Article VIII City of Weslaco Public Facilities and Transportation Improvements Naming Policy

82-201 Any Public Facilities and Transportation Improvements in the City of Weslaco in the Weslaco City Limits or in the City of Weslaco's extra territorial jurisdiction that are to be named shall be named pursuant to this policy.

82-202 Definitions

Public Facilities: Any building or permanent structure owned by the City of Weslaco located in the City limits or the extra territorial jurisdiction (ETJ).

Transportation Improvements: Include all streets, whether paved or not, walking trails, bridges or alleys located in the Weslaco City limits or in its extra territorial jurisdiction.

82-203 Public Facilities and Transportation Improvements Naming Committee

A Public Facilities and Transportation Improvements Naming Committee is hereby created. There shall be seven (7) members in the Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years.

The Public Facilities and Transportation Improvements Naming Committee shall make recommendations to the Weslaco City Commission after conducting a public hearing and giving public notice for public input on proposed names for a public facility or a transportation improvement.

All recommendations are required to be submitted to the Weslaco City Commission for approval. Any public facility or transportation improvement that has been named more than twenty-five (25) years is considered historic and should not be renamed, except by City Manager recommendation and approval by a super majority (3/4) of both the Public Facility and Transportation Improvement Naming Committee and the Weslaco City Commission.

A request to rename a public street transportation improvement that has been previously named must comply with the following procedures:

A.) A written narrative justifying the street name change must be submitted.

B.) An application must be submitted with a petition and application fee that corresponds to the street classification schedule and length of street below:

Street Type	Less than 500ft. in length	500 ft. to one mile in length	One mile in length or greater
Local	\$125	0.30 per linear foot of street	0.35 per linear foot of street
Collector	N/A	0.35 per linear foot of street	0.35 per linear foot of street
Arterial	N/A	N/A	0.35 per linear foot of street

C.) The completed petition form must be signed by over two-thirds (2/3) majority approval of the adjacent property owners abutting the street in question. Applicant must have the completed petition submitted no later than six months after the first petitioner's signature is obtained; otherwise the petition is null and void.

D.) Once all supporting data is submitted Planning staff will make arrangements for a Public Hearing and prepare publication on the proposed name change.

82-204 Criteria

The Public Facility and Transportation Improvement Naming Committee and the Weslaco City Commission shall use the following criteria when considering naming a Public Facility or a Transportation Improvement:

A.) Objectively natural names from geographical locations, historical events or historical places should be considered first.

B.) Naming public facilities or transportation improvements in honor of a person is discouraged unless the person made a significant national state or local contribution and if there are no appropriate names derived from geographical locations or historical events or historical places.

C.) If a public facility or transportation improvement is named for a person, the person must:

1. Have been deceased for more than six (6) months;
2. Consistently contributed toward the function of the Public Facility or Transportation Improvements. (The Public Facility and Transportation Improvement Naming Committee must receive evidence of a person's significant contribution.)

D.) The Weslaco City Commission may waive any of the criteria requirements by a super majority (3/4) vote.

Section II

The Current Article VIII of Chapter 82 titled City Services/Permits Not Allowed shall become Article IX of Chapter 82.

Section III

The criteria for renaming a public street previously approved by the Weslaco City Commission on March 3, 1998 is hereby repealed.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 5th day of July, 2011.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 19th day of July, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-41 to appoint one member to an unexpired term on the Traffic Safety Committee. Possible action. (This item was tabled July 5, 2011.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to remove the item from the table. The motion carried unanimously; Mayor Wise was present, but not voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to table the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

V. OLD BUSINESS

- A. Discussion and consideration to authorize staff to solicit proposals for the Employee Group Health Insurance; Basic Life & Accidental Death & Dismemberment; Commercial Insurance Package; and Workers' Compensation Coverage. Possible action. (This item was tabled July 5, 2011.) Attachment.

There was no action on this item.

VI. NEW BUSINESS

- A. Discussion and consideration to approve the Development Agreement and Lease between the City of Weslaco and the Economic Development Corporation of Weslaco for the southern part of Weslaco City Hall to be a site for a new "Business, Visitor and

Event Center” and authorize the Mayor to execute the agreement. Possible action. (Agreement authorized April 5, 2011; Item as requested by the Mayor.) Attachment.

Commissioner Noriega moved to approve the item as presented; however, motion failed due to lack of a second.

The City Manager stated he cannot recommend the lease because of cost considerations; Mr. Gonzalez stated he was unaware of any issues and needs a lease in order to have access to a public building for geotesting and other design issues. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve a minute order to authorize the Economic Development Corporation of Weslaco to move forward with negotiations with the architect and general contractor and allow appropriate access to the southern part of the Weslaco City Hall facility. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to adopt Resolution 2011-43, revising Resolution 2005-15 to implement a policy which mandates the use of concrete liners for burials at the Weslaco City Cemetery. Possible action. (Item as requested by the Mayor.) Attachment.

The Mayor stated this addresses environmental considerations, such as leaching, with a policy mandated by private cemeteries. The City Manager added the resolution allow second burials immediately, rather than the delay of twelve years in the previous policy. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011-43

A RESOLUTION OF THE CITY OF WESLACO AMENDING WESLACO CEMETERY RULES AND REGULATIONS TO REQUIRE CONCRETE LINERS.

WHEREAS, the Weslaco City Commission adopted on April 19, 2005 Weslaco Cemetery Rules and Regulations that are codified in the City of Weslaco Code of Ordinances as Section 38-5; and

WHEREAS, Section 38-5 (9) made it optional to use concrete liners in graves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT concrete liners will now be mandatory on all graves that after passage of Resolution 2011-43 Section 38-5 (9) will read as follows:

38-5

(9) Concrete liners must be used on all graves

Section II

All other rules and regulations of Section 38-5 shall continue in effect.

PASSED AND APPROVED on this 19th day of July, 2011.

/s/Miguel D. Wise, MAYOR

ATTEST:

/s/Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve an Affiliation and Program Agreement for Clinical Experience between Weslaco Fire/Emergency Medical Services and ATI Enterprises, Inc. (South Texas Vo-Tech) and authorize the Mayor to execute any related documents. Possible action. Attachment.

There was no action on this item.

- D. Discussion and consideration to approve a contract between the City of Weslaco and Knapp Medical Center for medical ground transportation and authorize the Mayor to execute any related documents. Possible action. Attachment.

There was no action on this item.

- E. Discussion and consideration to approve an employment contract between the City of Weslaco and South Texas College (STC) to provide security services to STC Weslaco Campus for fiscal year 2011-2012 and authorize the Mayor to execute the agreement. Possible action. Attachment.

The City Manager recommended approval, providing security by the Police Department to South Texas College at costs as follows: Lieutenant - \$60.82/hour; Sergeant - \$54.35/hour; Corporal - \$47.79/hour; and Officer - \$46.82/hour. The Mayor noted the agreement establishes a cap at \$45,000.00, at which no more security services will be extended. Commissioner Martinez, seconded by Mayor Pro-Tem Cuellar, moved to approve the item with changes to reflect cost recovery. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to authorize submission of a grant application in the amount of \$35,000.00 to the Texas Department of Public Safety Texas Ranger Division to participate with the Local Border Security Program (Operation Border Star) for Fiscal Year 2010-2011 for payment of overtime and operational costs for local law enforcement officers, authorize a budget amendment as appropriate, and authorize the Mayor and associated staff to execute any related documents. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- Add** 1A Discussion and consideration on behalf of Palos Rojos, LLC and Norberto Salinas, President, to approve the Final Plat of Palos Rojos No. 2, a 30.02 acre tract of land being all of Farm Tract 263, West and Adams Tract Subdivision, Hidalgo County, Texas, located at Mile 4 West Road and at 2,680 feet south of Mile 12 North Road and authorize the Mayor to execute any related documents. Possible action. (Item as requested by Commissioner Rivera and Mayor Pro-Tem Cuellar.) Attachment.

The City Manager stated staff and the Planning and Zoning Commission recommend approval. Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was

present, but not voting.

VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments.
- B. Library Report. Attachment.
- C. Comprehensive Report on 380 Agreements and Sales Tax Agreements. Attachment.
- D. FY 2012 Municipal Budget Schedule. Attachment.

The City Manager recognized the volunteerism of Firefighter Kenneth Rigsby at the Muscular Dystrophy Camp and the upcoming "Fill the Boot" to support that program at Pike and Texas Boulevards on August 6. Mr. Bret Mann reported that sales tax revenue is up 1% and 92% of ad valorem taxes have been collected. The budget is general on-mark, which some general fund expenditures front-loaded because of the Voluntary Separation Plan expenditures.

He also presented a tabulation of the various agreements; the 380 agreements with HEB, SDI, and Lowes total \$6.2 million over the next twenty years; the sales tax agreements with SDI, Academy, and Lowes total \$10.5 million over the next ten years, averaging nearly \$2 million annual impact on the budget. This effectively consumes the cost-savings achieved by the Voluntary Separation Plan and compels the City to prioritize in the upcoming budget. The Mayor Pro-Tem requested these obligations be reflected on monthly reports.

VIII. PUBLIC COMMENTS

Mr. Carlos Guerra encouraged relocating the recycling facility back to its former location on South Border Avenue and collaboration with Precinct One Commissioner Quintanilla, for no charge and with no politics.

Mr. Richard Vaughan, after clarification that the audit appears online, encouraged every Commissioner to get involved in the budget and consider raising property taxes, saying, "I don't mind paying more if we are doing everything we can to do the best we can."

IX. EXECUTIVE SESSION

At 7:11 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 8:11 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Economic Development - Discussion and consideration of an international aviation business to locate in Weslaco and the terms and conditions for entering into a Development Agreement with The Economic Development Corporation of Weslaco for facilities at the Mid-Valley Airport pursuant to §551.087 of the Texas Government Code.

There was no action on this item.

- B. Pending Litigation – Discussion with City Attorney regarding C-10-2165-E, L & G Concrete Construction Inc., and Arnulfo Gonzalez, Plaintiffs v. RCD Infrastructure LLC, Enriquez Enterprises Inc., and The City of Weslaco, Defendants pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- C. Personnel – Annual Performance Evaluation of the City Manager as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

XI. ADJOURNMENT

With no other business before the Commission, at 8:12 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to adjourn the July 19, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

(absent)

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

(absent)

COMMISSIONER, Gerardo “Gerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez